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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,698	11/20/2003	Joseph A. Pruitt	812495/220 (10.83)	9310

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EXAMINER	
VETTER, DANIEL	
ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/717,698	PRUITT ET AL.	
	Examiner	Art Unit	
	DANIEL P. VETTER	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48 and 50-67* is/are pending in the application.

4a) Of the above claim(s) *1-43 and 51-67* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-48 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. Claims 1-67 were previously pending in this application. Claims 44 and 50 were amended, and claim 49 was canceled in the reply filed January 25, 2008. Claims 1-48 and 50-67 are currently pending in this application, of which 1-43 and 51-67 are withdrawn from consideration.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the claimed invention in patentable over dePinto in view of Force because dePinto is not sufficient to teach "the response comprises a plurality of service locations; and selecting, by the client, from the plurality of service locations a desired service location based on the at least a portion of feedback data." Examiner respectfully disagrees and maintains that dePinto's disclosure is sufficient to teach the above limitation. Applicant attempts to distinguish dePinto from the claimed invention by presenting additional features (e.g. ability of the recipient to select jobs) not present in the claimed invention. Remarks, pages 13-14. However, the conclusion does not follow that because dePinto discloses a method with greater functionality it does not teach the above limitation.

Applicant is correct in stating that dePinto's method includes recipient-side selection of jobs. However, this is not in conflict with the claimed invention. Prior to this step, the client selects from plurality of service locations (those in the proper work area) and subsequently from this group selects a desired service location (those above a certain feedback threshold) (see ¶¶ 0198-99). Moreover, the method described by dePinto also includes an ability to target a specific location or job recipient for a particular job among a set of previously stored 'favorites' (¶ 0193, Fig. 27C). Accordingly, as dePinto in view of Force properly combined meets all recited claim limitations, the claimed invention is unpatentable under § 103(a).

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 44-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over dePinto, et al., U.S. Pat. Pub. No. 2002/0194112 (Reference A of the PTO-892 part of paper no. 20070716) in view of Force, et al., U.S. Pat. Pub. No. 2003/0130945 (Reference B of the PTO-892 part of paper no. 20070716).

6. As per claim 44, dePinto teaches a method for determining a service provider in a computer network, comprising: performing a transaction, by a client, with a first service provider (¶ 0074); collecting feedback data pertaining to the transaction (¶ 0185); transmitting, to a directory service, a request for a provider of a second service (¶ 0189); transmitting, to the directory service, at least a portion of the feedback data (¶¶ 0192-93); receiving, from the directory service, a response based on the request and the portion of the feedback data (¶ 0198), wherein the response comprises a plurality of service locations (¶ 0198); and selecting, by the client, from the plurality of service locations a desired service location based on the at least a portion of feedback data (¶¶ 0193, 99). dePinto does not explicitly teach the feedback data is collected automatically; which is taught by Force (Abstract; ¶ 0125). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Force into the method taught by dePinto because broadly providing an automatic means to accomplish a known activity is not sufficient to

distinguish a claimed invention over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

7. As per claims 45-48, dePinto in view of Force teaches the method of claim 44 as described above. dePinto further teaches feedback data comprises: an evaluation of a service provided by the first service provider (¶ 0124); data representing a negative rating of the first service provider (¶ 0124); data representing a positive rating of the first service provider (¶ 0124); and a quality of content provided by the first service provider (¶ 0124).

8. As per claim 50, dePinto in view of Force teaches the method of claim 44 as described above. Force further teaches receiving, from the client, a second feedback data pertaining to a transaction by the client (¶ 0031); and transmitting, to the directory service, the second feedback data, wherein the response is based on the second feedback data (¶ 0031). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Force into the method taught by dePinto in view of Force because the duplication of steps has no patentable significance unless a new and unexpected result is produced. *See In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628